



**Town of Arlington
Select Board**

Meeting Agenda

December 21, 2022
6:00 PM

EMERGENCY ADDENDUM Select Board Chambers for Select Board and Staff. Members of the Public may access the meeting by Zoom and ACMI.

1. Executive Order on Remote Participation

CONSENT AGENDA

2. Request: Contractor/Drainlayer License

Thalles Salles
TBR Excavating Inc.
827 Massachusetts Avenue
Boxborough MA, 01719



Town of Arlington, Massachusetts

Executive Order on Remote Participation

ATTACHMENTS:

Type	File Name	Description
Reference Material	UPDATE_Open_Meeting_Law_and_Remote_Participation_for_Blocks_and_Commissions.pdf	Executive Order on Remote Participation



Town of Arlington Legal Department

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Select Board

Cc: Town Committees and Commissions; Sandy Pooler, Town Manager;

From: Douglas W. Heim, Town Counsel

Date: July 12, 2022

Re: UPDATE – Open Meeting Law Requirements & Remote Participation

Arlington boards, committees, and commissions, please accept this memorandum as an update with respect to your obligations and options under the Open Meeting Law for holding public meetings and hearings in light of the upcoming July 15, 2022 expiration of Chapter 22 of the Acts of 2022, which extended the terms of COVID-19 Executive Orders relative to the Open Meeting Law and allowed more flexibility for holding remote meetings and remote public access to meetings.

In short, as with previous legislative extension suspensions of certain Open Meeting Law requirements, there are several bills in the State Legislature which could further extend these flexible remote hearing options until well into next year.¹ Hence, it is very likely, but not certain that such measures will be in place before (or shortly after) the expiration of Chapter 22 of the Acts of 2022 and you may proceed as you have for the past two years. If however a bill does not pass, meetings will need to be held in a physical location accessible to the public with a quorum of members in attendance in person.

¹ The primary distinctions between these measures appears to be whether to extend remote meeting measures implemented during the pandemic or to make such changes permanent amendments to the Open Meeting Law.

If One of the Bills Passes

If one of the bills is successful, you will be able to continue to conduct meetings entirely remotely, but will have the options to conduct them entirely in-person, or in a “hybrid” manner where the public body meets in person, but the public is provided remote access (as allowed by Town and School policy respectively, and sufficiently resourced to meet requirements for remote meetings).

As you may recall, remotely conducted meetings under these relaxed rules must still provide “[a]dequate, alternative means” for public access which may include providing public access through telephone, internet, satellite enabled audio or video conferencing, or any other technology that enables the public to clearly follow the proceedings of the public body in real time (for most committees and commissions, the Zoom platform or similar technology). Remote participation also requires:

1. The Chair announce the name of the member or members who are participating remotely at the start of each meeting (and that the remotely participating members be reflected in the minutes);
2. That all votes be taken by roll call;
3. That members of the public body must be clearly audible to each other and to members of the public at all times and
4. That public bodies in remote executive sessions identify and approve any other persons present for executive session.

*Please also note that the Division of Open Government does not allow pre-registration as a *requirement* for following the observing or participating in meetings.²

If a hybrid meeting is held where only members or members and persons with business before the meeting are physically present, it is recommended that the foregoing requirements be applied to aid the public and other participants’ ability to follow the proceedings.

Without Passage of a Bill

Without passage of a bill, all committees and commissions will be required to conduct meetings in an accessible physical location, and remote participation *for members of a public body* will be limited to pre-pandemic terms (i.e. in addition to the aforementioned requirements

² Arlington Board and Commissions have consistently allowed members of the public access to Zoom meetings by telephone (including soliciting written and oral testimony), without registration. However, caution and care is still merited to ensure equitable means to both follow along and participate without registration. Contact the Legal Department if you have questions or concerns.

for remote participation, the Chair and a quorum of the body must be present together in a physical location). The Open Meeting Law does not require public participation, but meetings may neither be closed to the public nor may public access be limited to audiovisual broadcasts of the proceedings. Boards and commissions may of course record and broadcast their in-person meetings while also providing in-person public access (though the chair should note when meetings are being recorded). It is also possible for forms of remote public participation to be provided at the discretion of your public body chairs. The Town is presently working with recommendations from the Remote Participation Study Committee to further its capacity for same.

Postings & Notices

In the meantime, all public bodies are encouraged to post and notice meetings and hearings with *both* physical locations and remote access provisions. In the event a change of “location” is warranted to either entirely in-person or entirely remote meetings, you will be afforded the ability to update your meeting notices on the Town calendar and by other means.



Town of Arlington, Massachusetts

Request: Contractor/Drainlayer License

Summary:

Thalles Salles
TBR Excavating Inc.
827 Massachusetts Avenue
Boxborough MA, 01719

ATTACHMENTS:

Type	File Name	Description
Reference Material	TBR_Excavating_Emergency_Reference.pdf	Reference



TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

Directions: Please complete ALL fields below and deliver the completed application to the Department of Public Works Engineering Department at 51 Grove Street for Processing and Submission to the Board of Selectmen. Please also include in your submission a \$75.00 application fee in the form of a check payable to the "Town of Arlington". Any questions regarding this application form or procedure should be directed to the Town of Arlington Engineering Department at 781-316-3386.

Scope of Work

Please indicate the scope of work you intend to perform as a DPW Approved Contractor in the Town of Arlington (check all that apply):

Water Sanitary Sewer Stormwater Drainage Sewer/Drain Inspection Driveway Work Curb/Sidewalk Work

Applicant Information

Applicant/Firm Name: TBR Excavating Inc

Select One: Corporation Partnership Proprietorship Other: _____

Street Address: 827 Massachusetts Avenue City/Town: Boxborough State: MA

Primary Phone: (857)237-5 E-mail: tbrexcavating@gmail.com

Length of Time in Business under the same Firm Name: 6 years

Full Name(s) of Principal(s): Thalles Salles

Primary Contact Person: Thalles Salles

Experience/Previous Work

Nature of Typical/Standard Work: Excavation / Utilities / Demolition / Drainage

Have you ever performed this type of work in Arlington: Yes No

If Yes, Please provide Location: _____ Approximate Date: _____

Total Amount of such construction this year: 10 Demos - 13 Excavations - 13 utilities - 13 drain

Total Amount of such construction last year: 8 Demos - 10 Excavations - 10 utilities - 10 drain

Total Amount of such construction next previous year: 15 Demos - 15 Excavations - 15 utility - 15 drain

Municipal References - Please Attach Written Reference Letters

Municipality: Westwood

Primary Contact Name: John Rose Email: jackarose1947@gmail.com

Municipality: Walpole

Primary Contact Name: Chris Johnson Email: cjohnson@walpole-ma.gov

Municipality: Lexington

Primary Contact Name: Marissa Liggiero Email: mliggiero@lexingtonma.gov

Banking/Financial References - Please Attach Written Reference Letters if Available

Bank Reference: DCU Acton Phone: (800) 328-8797

Federal Tax ID or Social Security #:

Your social security number or federal identification number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Law, Chapter 62C, Section 49A.

Signature/Endorsement

By signing below, I certify that under the penalties of perjury that to the best of my knowledge and belief all information on this application is true and correct. I also certify by signature below that I/we have filed all state tax returns and paid all state taxes as required by law. I also hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen and/or Department of Public Works may establish.

Applicant Signature:

Date: 12/20/22

[Reset Form](#)

[Print Form](#)

Reference letter

Marissa Liggiero <mliggiero@lexingtonma.gov>
To: Thalles Salles <tbrexcavating@gmail.com>

Thu, Aug 19, 2021 at 07:11

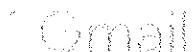
To whom it may concern;

Thalles Salles, owner of TBR Excavating Inc, is active on the Town of Lexington's drainlayer list and all on the current list are in good standing.

Any questions feel free to give me a call at (781) 274-8335.

Thank you,
Marissa Liggiero

Marissa Liggiero, EIT
Engineering Assistant/Inspector
Town of Lexington
201 Bedford St
Lexington, MA 02420
(781) 274-8335
[Quoted text hidden]



Thalles Salles <tbrexcavating@gmail.com>

Reference letter

Chris Johnson <cjohnson@walpole-ma.gov>
To: Thalles Salles <tbrexcavating@gmail.com>

Wed, Aug 18, 2021 at 15:19

To Whom it may concern,

TBR Excavating has installed water and sewer services in Walpole within the last 3 years. TBR installed these services in conformance with the Town of Walpole Standards for sewer and water. Any questions I can be reached at 508 989 0245.

Chris Johnson

Assistant Town Engineer

[Quoted text hidden]

When writing or responding, please remember that the Secretary of State's Office has determined that email is a public record.



Thalles Salles <tbrexcavating@gmail.com>

Reference letter

John Rose <jackarose1947@gmail.com>
To: Thalles Salles <tbrexcavating@gmail.com>

Mon, Aug 23, 2021 at 11:08

To whom it may concern

I am the plumbing inspector for the Town of Westwood and Medfield. I did inspect your work at two separate occasions and found it more than satisfactory and code compliant. I would recommend your firm to other municipality. Any questions please call me direct at 617 599 6013

Thank you Jack

[Quoted text hidden]